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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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*Ex parte* ROBERT MILLER, VICKI LYNN MOREY, and
LAURIE ANN WILLIAMS

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Appeal 2007-3343
Application 09/845,596
Technology Center 2100

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Decided: January 28, 2008

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Before JOSEPH L. DIXON, HOWARD B. BLANKENSHIP, and
ST. JOHN COURTENAY III, *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-27. We have jurisdiction under 35 U.S.C. § 6(b). We REVERSE.

## THE INVENTION

The disclosed invention relates generally to clustered computer systems. More particularly, Appellants' invention relates to managing accesses to groups resident on such systems (Spec. 1).

Independent claim 1 is illustrative:

1. A method of accessing a group in a clustered computer system, wherein the clustered computer system includes a plurality of nodes, and wherein the group includes a plurality of members resident respectively on the plurality of nodes, the method comprising:

(a) receiving an access request on a first node in the plurality of nodes, wherein the access request identifies a cluster-private group name associated with the group; and

(b) processing the access request on the first node to initiate a group operation on at least a subset of the plurality of nodes that map to the cluster-private group name.

## THE REFERENCE

The Examiner relies upon the following reference as evidence in support of the rejection:

| | | |
|---|---|---|
| Chung | US 6,470,389 B1 | Oct. 22, 2002 |

## THE REJECTION

Claims 1-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chung.

PRINCIPLES OF LAW

In rejecting claims under 35 U.S.C. § 102, "[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation." *Perricone v. Medicis Pharm. Corp.,* 432 F.3d 1368, 1375-76 (Fed. Cir. 2005) (citation omitted).

ISSUE(S)

We decide the question of whether Appellants have shown the Examiner erred in holding that the cited Chung reference anticipates the claimed subject matter. More particularly, we have determined that the following issue is dispositive in this appeal:

Whether Appellants have shown the Examiner erred in finding that Chung discloses a "cluster-private group name associated with the group," as claimed (*see* independent claims 1, 15, 25, and 26).

Claims 1-27

We consider the Examiner's rejection of claims 1-27 as being anticipated by Chung.

Appellants contend that Chung does not disclose where the access request identifies a *cluster-private group name* associated with the group, as claimed (App. Br 8). In particular, Appellants contend that the instant Specification defines what makes a group name "cluster-private" at page 7, lines 6-13 (App. Br. 9).

The Examiner disagrees. The Examiner contends that Appellants are impermissibly reading limitations from the Specification into the claims (Ans. 11).

Claim Construction

"[D]uring examination proceedings, claims are given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000). "Words of a claim 'are generally given their ordinary and customary meaning.'" *Phillips v. AWH Corp.,* 415 F.3d 1303, 1312 (Fed. Cir. 2005) (*en banc*). An Applicant, however, can "act as his own lexicographer to specifically define terms of a claim contrary to their ordinary meaning." *Chef Am., Inc. v. Lamb-Weston, Inc.,* 358 F.3d 1371, 1374 (Fed. Cir. 2004) (citation omitted).

After considering the evidence before us, we need not reach the issue of Appellants' purported definition to decide this appeal. When we broadly but reasonably construe the scope of the claim term "cluster-private group name," we find the evidence supports Appellants' contention that there is nothing private regarding a "'ghost' IP address [that] is publicized to the DNS as a cluster address for the server cluster **54**," as expressly disclosed by Chung (col. 7, ll. 28-29). In particular, we find that publicizing a ghost IP address (that represents Chung's cluster address) to a Domain Name Service server is antithetical to any reasonable concept of "private." As disclosed by Chung, a client that accesses the cluster address via the Domain Name Server may be *any* client 52 *located anywhere on the Internet* (*see* Chung, col. 7, ll. 16-20 and 39-42; Fig. 4). Moreover, we agree with Appellants that

Chung's system (that publishes a cluster address to a DNS server) is consistent with the conventional DNS approach fully disclosed by Appellants in the "Background of the Invention" section (*see* Spec. 2:29 through 3:13). Therefore, we conclude that Appellants have shown the Examiner erred in finding that Chung discloses a "cluster-private group name associated with the group," as claimed (*see* independent claims 1, 15, 25, and 26). "[A]bsence from the reference of any claimed element negates anticipation." *Kloster Speedsteel AB v. Crucible, Inc.,* 793 F.2d 1565, 1571 (Fed. Cir. 1986).

Accordingly, we reverse the Examiner's rejection of claim 1 as being anticipated by Chung. Because the identical limitations of "a cluster-private group name associated with the group" are recited in each of independent claims 15, 25, and 26, we also reverse the Examiner's rejection of these claims as being anticipated by Chung. Likewise, we reverse the Examiner's rejection of dependent claims 2-14, 16-24, and 27 which depend from independent claims 1, 15, and 26, respectively. Because we agree with Appellants that the Examiner has failed to meet the burden of establishing a prima facie case of anticipation with respect to each claim on appeal, the decision of the Examiner rejecting claims 1-27 is reversed.

## OTHER ISSUE

While we have found *supra* that Appellants' claims are not anticipated by Chung, we note that the question of whether instant claims 1-27 are obvious over Chung or other references is not before us. We direct the Examiner's attention to U.S. Patent 6,725,264 to Christy (filed Feb. 17,

2000) that discloses a method of managing a cluster of network devices where each device has an intra-cluster identifier (Abstract). Christy teaches selecting a first network device to be a commander network device having a public IP address (*id.*). However, we note that each of Christy's remaining network devices are cluster members that have a non-public network address (*id.*). In particular, Christy teaches forwarding the message to the cluster member network device identified by the intra-cluster identifier using the non-pubic network address of the cluster member network device (*id.*). We leave it to the Examiner to consider whether Appellants' claimed "cluster-private group name associated with the group" (claim 1) broadly but reasonably reads on Christy's intra-cluster identifier and associated non-public network address. In the alternative, we leave it to the Examiner to consider whether Christy (either alone or in combination with one or more other references) renders obvious Appellants' claimed invention.

## CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that Appellants have shown that the Examiner erred in rejecting claims 1-27 under 35 U.S.C. § 102(e) for anticipation.

DECISION

The decision of the Examiner rejecting claims 1-27 is reversed.

REVERSED

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